

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff and Counter-Defendant,

-and-

THE WAYNE COUNTY DEPARTMENT OF HEALTH,
AIR POLLUTION CONTROL DIVISION,

Plaintiff,

-vs-

Civil Action No. 77-71100
Honorable John Feikens

THE STATE OF MICHIGAN,

Defendant, Counter-Plaintiff
and Cross-Plaintiff,

-vs-

THE CITY OF DETROIT, a municipal
corporation and THE DETROIT WATER
AND SEWERAGE DEPARTMENT,

Defendants and Cross-Defendants,

-vs-

ALL COMMUNITIES AND AGENCIES UNDER
CONTRACT WITH THE CITY OF DETROIT
FOR SEWAGE TREATMENT SERVICES,

-vs-

THE DETROIT AREA LAUNDRY POLLUTION
CONTROL GROUP, a voluntary, non-
profit, unincorporated association,
AND ITS MEMBERS,

-vs-

THE FOOD AND ALLIED INDUSTRIES
COMMITTEE OF METROPOLITAN DETROIT,
a voluntary non-profit, unincorporated
association, AND ITS MEMBERS,

ORDER OF DISMISSAL RE CERTAIN CHALLENGES TO
WASTEWATER TREATMENT RATES ADOPTED BY THE
CITY OF DETROIT FOR THE FISCAL YEARS ENDING
JUNE 30, 1984; 1985; 1993; 1994; and 1995

DYKEMA GOSSETT • A PROFESSIONAL LIMITED LIABILITY COMPANY • 400 RENAISSANCE CENTER • DETROIT, MICHIGAN 48243-1668

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U.S. DISTRICT COURT
EAST. DIST. MICH.
DETROIT

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At a session of said Court held in
the Federal Building, City of Detroit,
County of Wayne, State of Michigan, on

PRESENT: HONORABLE _____
District Court Judge

Certain customers of the wastewater treatment system
owned and operated by the City of Detroit, a municipal corpor-
ation, acting by and through its Board of Water Commissioners
and the Detroit Water and Sewerage Department (hereinafter
"Detroit") filed objections to wastewater treatment rates
effective for the fiscal years 1993, 1994 and 1995 as follows:

- Motion Objecting to Proposed 1992-1993 Rates
For Sewerage Service (filed by Oakland County);
- Macomb County's Response And Joinder In
Motion Objecting To Proposed 1992-1993 Rates;
- Reply and Concurrence To Motion Objecting To
Proposed 1992-1993 Rates For Sewerage Services
By The Townships of Canton, Plymouth, Northville
and Western Townships Utilities Authority;
- The Intervenor County of Wayne's Response To
The Motion of Oakland County Objecting To The
1992-1993 Rates For Sewerage Service;
- Detroit Area Laundry Pollution Control Group's
Concurrence With Oakland County's Motion
Objecting To Proposed 1992-1993 Rates;
- Oakland and Macomb Counties' Claim Re 1995
Rates and 1992-1993 Lookback.

In addition, Wayne County and Oakland County filed
certain objections to wastewater treatment rates adopted by
Detroit for the fiscal years 1984 and 1985 which, although now
moot or resolved, have never been formally dismissed by the
Court.

The parties to these proceedings, having engaged in extensive settlement negotiations with the assistance of the Court's Monitor, Professor Jonathan W. Bulkley, and having entered into a settlement agreement entitled "1995 Rate Settlement Agreement" resolving certain of the disputes between them, and desiring to defer other issues, and the Court being duly advised in the premises;

IT IS HEREBY ORDERED that, except as provided herein, all pending challenges, objections, complaints and motions made by the rate challengers, with respect to any and all rates and lookback adjustments heretofore adopted by Detroit, shall be and hereby are dismissed with prejudice.

The allegation concerning the allocation of costs associated with certain combined sewer overflow facilities, which are the subject of paragraph 7 of the Motion Objecting to Proposed 1992-1993 Rates for Sewerage Service (Oakland County); paragraphs 3-10 of Macomb County's Response and Joinder in Motion Objecting To Proposed 1992-1993 Sewer Rates; paragraphs 7, 8 and 9 of the Intervenor County of Wayne's Response to the Motion of Oakland County Objecting the 1992-1993 Rates for Sewerage Service; and paragraph 6(d) of Oakland and Macomb County's Claim Re 1995 Rates and 1992-1993 Lookback are deferred for later resolution.

The allegations raised by Oakland County and Macomb County concerning the volume of sewage treated at Detroit's treatment plant in paragraph 6(a) of Oakland and Macomb County's

Claim Re 1995 Rates and 1992-1993 Lookback are deferred for later resolution.

By Order To Show Cause Re 1995 Rate Settlement Agreement, dated April 5, 1995, served upon all counsel of record and all wholesale customers of DWSD who receive wastewater treatment from Detroit pursuant to written contracts, and published in the Detroit Legal News, the Detroit Free Press and Michigan Chronicle 14 days prior to the date hereof, the Court provided all users, customers and rate payers of the DWSD system an opportunity to appear and show cause, if any there be, why the 1995 Rate Settlement Agreement should not be binding upon all users, customers and rate payers of the system.

On May 10, 1995, the Detroit Are Laundry Pollution Control Group filed certain objections to the proposed settlement. Subsequently, the Detroit Are Laundry Pollution Control Group has agreed to the terms and conditions of the 1995 Rate Settlement Agreement and its objections shall be and hereby are withdrawn.

No other user, customer or rate payer of the system having filed any objections to the 1995 Rate Settlement Agreement on or before May 10, 1995, nor having otherwise appeared and shown cause why the settlement agreement should not be binding upon all users, customers and rate payers of the system.

NOW, THEREFORE, the Court, being satisfied that the settlement agreement represents an appropriate and fair compromise settlement of the challenges to the subject rates contained therein;

IT IS HEREBY ORDERED that the 1995 Rate Settlement Agreement, when executed and approved by the parties according to its terms, shall be and hereby is binding on all users, customers and rate payers of DWSD's wastewater treatment system.


U.S. DISTRICT COURT JUDGE

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